

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CARLINA

Clifton Scurry, Jr.,)	
)	C/A No. 0:06-1764-MBS
Plaintiff,)	
)	
vs.)	
)	O R D E R
Cpt. Sharon Middleton, Major Phillip)	
Anderson, and Lt. Lynda Butler,)	
)	
Defendants.)	
_____)	

At the time of the underlying complaint, Plaintiff Clifton Scurry, Jr. was an inmate in custody of the South Carolina Department of Corrections. On June 12, 2006, Plaintiff, appearing pro se, brought this action pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights were violated while he was an inmate at the Greenwood County Detention Center in Greenwood, South Carolina.

On September 13, 2006, Defendants filed a motion for summary judgment (Entry 16). On September 14, 2006, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment procedure and the possible consequences if he failed to respond adequately. Plaintiff failed to respond to the motion for summary judgment.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. On March 7, 2007, the Magistrate Judge issued a Report and Recommendation in which he recommended that Defendants' motion for summary judgment be granted. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, Defendant's motion for summary judgment (Entry 16) is **granted** and the case dismissed.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

April 2, 2007

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.